

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF FINAL RULEMAKING

The District of Columbia Taxicab Commission (Commission), pursuant to the authority set forth in Sections 8(c)(3), (5), (7), (20), 14, 19, 20a, 20g, 20l, and of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(3) (5), (7), (20), 50-313, 50-320, 50-329, (2009 Repl.; 2012 Supp.)) (“Act”) and D.C. Official Code § 47-2829(d) (2012 Supp.), all as amended by the Taxicab Service Improvement Amendment Act of 2012 (D.C. Law 19-0184; D.C. Official Code §§ 50-301 *et seq.*) and the Public Vehicle for Hire Innovation Amendment Act of 2012 (D.C. Law 19-0270, D.C. Official Code §§ 50-307(c)(20) and 50-329.02); hereby gives notice of its adoption of amendments to Chapter 4 (Taxicab Payment Service Providers) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

This rule clarifies the hardware and software components of integrations between taxicab payment service providers (PSPs) and digital dispatch services (DDSs) to provide for the digital dispatch of taxicabs.

An initial Notice of Emergency and Proposed rulemaking was adopted on July 31, 2013, took effect on Friday, August 9, and was published in the *D.C. Register* at 60 DCR 12001 on August 16, 2013. The Commission received comments during the comment period which ended on September 14, 2013, but, following its review and consideration of such comments, is making no changes to the rulemaking. The Commission voted to adopt these rules as final on October 9, 2013.

Chapter 4, TAXICAB PAYMENT SERVICE PROVIDERS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended as follows:

Section 401, GENERAL REQUIREMENTS, is amended as follows:

Subsections 401.3 and 401.4 are amended to read as follows:

401.3 Each PSP and each digital dispatch service (DDS) shall comply with the integration requirements of § 408.16 for the processing of digital payment, not later than the date required by § 603.2. Prior to such date, each DDS shall be permitted to process digital payments without integration. Where a PSP and DDS are affiliated businesses, the PSP shall comply with all applicable provisions of this Chapter without regard to the form of payment, including ensuring that the passenger surcharge will be collected from the passenger and paid to the District for every trip.

401.4 No later than the date required by § 603.2, no PSP shall fail or refuse to participate in processing digital payments in the manner required by this chapter, where the taxicab company or independent owner that uses an MTS unit provided by the PSP chooses to offer digital payment to its passengers.

Section 408, OPERATING REQUIREMENTS APPLICABLE TO PSPs AND DDSs, is amended as follows:

Subsection 408.16 is amended to read as follows:

408.16 Digital payment requirements.

Each approved PSP and each approved DDS shall comply with the following requirements for integration of their services, except that this section shall not apply to a digital payment where the PSP and the DDS are affiliated businesses that comply with the data reporting and passenger surcharge requirements of subsection (b) (2) of this section.

(a) Integration mandated.

- (1) Each PSP that fails to integrate or to maintain integration as required by this subsection shall be subject to civil penalties, including the suspension or revocation of its operating authority under this title.
- (2) Each DDS that fails to integrate or to maintain integration as required by this subsection shall be subject to civil penalties, including the modification, suspension, or revocation of its operating authority as provided in this chapter. Modification may consist of the suspension or revocation of authority to provide dispatch services for taxicabs, including digital payment.

(b) Integration requirements.

- (1) Each PSP and each DDS shall integrate by complying with the data security requirements of subparagraph (2) of this paragraph and by complying with the minimum requirements for integration in paragraph (b) (3) of this subsection, or by executing an integration agreement pursuant to paragraph (b)(4) of this subsection. Failure to integrate and maintain integration as required shall subject both businesses to civil penalties.
- (2) Data security requirements for all integration. Integration shall in all cases require that the PSP and DDS use, incorporate, or connect to one another via technology that meets Open Web Application Security Project (“OWASP”) security guidelines, that complies with the current standards of the PCI Security Standards Council (“Council”) for payment card data security, if such standards exist, and, if not, then with the current guidelines of the Council for payment card data security, and, that, for direct debit transactions,

complies with the rules and guidelines of the National Automated Clearing House Association.

- (3) Additional minimum requirements for integration. Where a PSP and a DDS do not operate pursuant to an integration agreement executed and approved pursuant to paragraph (b)(4), they shall operate either through hardware integration under paragraph (b)(3)(A) or through hardware and software integration under paragraph (b)(3)(B), as they shall determine.
 - (A) Hardware integration requirements. Hardware integration between a PSP and DDS shall allow the following events to occur in the following order:
 - (i) At the conclusion of the trip, the operator shall use the MTS unit to notify the PSP of the identity of the DDS approved pursuant to Subsection 1604 that is processing the digital payment;
 - (ii) The operator shall manually enter the following information into the MTS unit or into the DDS's payment solution approved pursuant to Chapter 16, thereby notifying the DDS of:
 - (A) The taximeter fare pursuant to § 801.7;
 - (B) The amount of any gratuity;
 - (C) The number of passengers;
 - (D) Any additional information commercially and reasonably required to allow the DDS to process the digital payment and to comply fully with this paragraph § 408.16 (b)(3)(A);
 - (iii) Upon receipt of the information in § 408.16 (b)(3)(A)(ii), the DDS shall:
 - (A) Process the digital payment;
 - (B) Collect from the passenger and remit to the District the taxicab passenger surcharge pursuant to § 408.15;

- (C) Transmit to the TCIS the trip data required by § 603.9, other than the PSP's unique trip number; and
 - (iv) The PSP shall transmit to the TCIS the trip data required by § 603.9 to allow the Office to reconcile the data provided by the PSP and the DDS.
- (B) Hardware and software integration. Hardware and software integration between a PSP and DDS shall allow the following events to occur in the following order:
 - (i) At the conclusion of the trip, the operator shall use the MTS unit to notify the PSP of the identity of DDS approved pursuant to Subsection 1604 that is processing the digital payment;
 - (ii) The operator shall use an application program interface (API) information in the MTS unit or in the DDS's payment solution approved pursuant to Chapter 16, to notify the DDS of:
 - (A) The taximeter fare pursuant to § 801.7;
 - (B) The amount of any gratuity;
 - (C) The number of passengers;
 - (D) Any additional information commercially and reasonably required to allow the DDS to process the digital payment and to comply fully with § 408.16 (b)(3);
 - (E) The PSP's unique trip number assigned to the trip;
 - (iii) The DDS shall:
 - (A) Process the digital payment;
 - (B) Collect from the passenger and remit to the District the taxicab passenger surcharge pursuant to § 408.15;

- (C) Transmit to the TCIS the trip data required by § 603.9, including the PSP's unique trip number;
 - (iv) The PSP shall transmit to the TCIS the trip data required by § 603.9 to allow the Office to reconcile the data provided by the PSP and the DDS; and
 - (v) The vehicle owner (taxicab company or independent owner) shall pay the PSP an integration service fee of not more than thirty five cents (\$.35).
- (4) Alternative for integration via approved integration agreement. In lieu of complying with paragraph (b)(3) of this subsection, any DDS and any PSP may negotiate an integration agreement that allocates the obligations set forth in paragraph (b)(3) in any reasonable, reliable, verifiable, and commercially reasonable manner that meets the following requirements:

Section 409, PROHIBITIONS, is amended as follows:

Subsections 409.5 is amended to read as follows:

409.5 No PSP shall allow its MTS to be used by any person for a taxicab trip unless the taxicab passenger surcharge is collected from the passenger and paid to the District for such trip.

Subsection 409.9 is amended to read as follows:

409.9 A PSP shall not allow its associated taxicab companies, independent owners, or taxicab operators to associate with a dispatch service that is not in full compliance with this title or other applicable law.

Section 411, PENALTIES, is amended as follows:

Subsection 411.1 is amended to read as follows:

411.1 A PSP or DDS that violates this chapter or an applicable provision of another chapter of this title is subject to:

- (a) A civil fine of two hundred fifty dollars (\$250) for the first violation of a provision, which shall double for the second violation of the same provision, and triple for each subsequent violation of the same provision thereafter;

- (b) Confiscation of an MTS unit or unapproved equipment (including any fixed or mobile hardware component such as a smartphone, mobile data terminal, tablet, or attached payment card reader) used in connection with the violation:
- (c) Suspension, revocation, or non-renewal of the Office’s approval of its MTS (if a PSP) or modification, suspension, revocation, or non-renewal of its certificate of operating authority under Chapter 16 (if a DDS); or
- (d) Any combination of the sanctions listed in (a)-(c) of this subsection.

Section 499, DEFINITIONS, is amended as follows:

Subsection 499.2 is amended as follows:

The following definition is added after the definition of “Group riding”:

“Implementation date” – the date for implementation of MTS units in all taxicabs, as provided in § 603.2.

The definition of “Integration service fee” is amended to read as follows:

“Integration service fee” - a fee paid by the vehicle owner to the PSP for the use of the MTS whenever a digital payment is made.